

REMARKS/ARGUMENTS

The amendments and remarks hereto attend to all outstanding issues in the pending office action of 29 January 2008. Claims 7, 8 and 11-23 remain pending in this application.

Responses to Examiner's Statements and Rejections in Office Action of 29 January 2008

Except for the immediately following section, the following sections follow the order of the paragraphs in the Office Action mailed 29 January 2008 in this application.

Information Disclosure Statements from Parent Application(s) and present application

The present application is a continuation application of U.S. Patent Application 09/070,969, now U.S. Patent 7,218,448 ("the '969 application" herein). Information Disclosure Statements ("the '969 IDSs" herein) were filed on 20 November 1998, 15 June 1999, 3 February 2000, 27 January 2003 and 25 July 2003 in the '969 application. The '969 application is a continuation-in-part of U.S. Patent Application 08/823,894, now U.S. Patent 5,748,371 ("the '894 application" herein). The '894 application is a continuation of U.S. Patent Application 08/384,257, now abandoned ("the '257 application" herein). An Information Disclosure Statement ("the '257 IDS" herein) was filed on 3 May 1995 in the '257 application.

However, the record of the present application does not indicate that the art cited in the '969 IDSs or the '257 IDS has been considered.

MPEP §2001.06(b) provides that "If the application under examination is identified as a continuation, divisional, or continuation-in part of an earlier application, the examiner will consider the prior art cited in the earlier application. The examiner must indicate in the first Office action whether the prior art in a related earlier application has been reviewed. Accordingly, no separate citation of the same prior art need be made in the later application." Applicants respectfully request that the Examiner review the art cited in the '969 IDSs and the '257 IDS, and provide an indication that such art has been considered in the present application.

Applicants also remind the Examiner that an Information Disclosure Statement was filed on 16 January 2004 ("the 2004 IDS" herein) in the present application. Numerous arguments have been made by Applicants in past Responses to Office Actions in support of consideration of the 2004 IDS, the substance of which has not been answered by the Examiner. Applicants repeat the request that the Examiner consider the 2004 IDS.

Remark

Applicants acknowledge Examiner's remarks.

1. Response to Arguments

Applicants gratefully acknowledge the withdrawal of (A) the rejections of claims 7, 11-14, 16, 18, 20 and 20 under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 4,480, 896 to Kubo et al ("Kubo") and (B) the rejections of claims 8, 15, 17 and 21 as unpatentable over Kubo in view of the article "Optical/digital incoherent image processing for extended depth of field" by Poon et al (Applied Optics Vol. 26, no. 21, page 4612).

2 - 11. Double Patenting

Applicants note the Examiner's rejection of claims 7-8, 11 and 12-23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 75, 87, 88, 94, 95 and 99 of copending Application No. 09/070,969, now U.S. Patent No. 7,218,448. We note the Examiner indicates that this rejection is "provisional" - "because the conflicting claims have not in fact been patented" and respectfully point out that the conflicting claims have, in fact, been patented. A terminal disclaimer is filed herewith to overcome this double patenting rejection.

We also note the Examiner's rejection of claims 7-8, 11 and 12-23 under obviousness-type double patenting as unpatentable over claim 1 of copending Application No. 11/192,572, now U.S. Patent No. 7,106,510. We note the Examiner indicates that this rejection is also "provisional" - "because the conflicting claims have not in fact been patented" and respectfully point out that the conflicting claims have, in fact, been patented. A terminal disclaimer is filed herewith to overcome this double patenting rejection.

We also note the Examiner's rejection of claims 7-8, 11 and 12-23 under obviousness-type double patenting as unpatentable over claims 1-21 of U.S. Patent No. 5,748,371, over claims 1-6, 9-18 and 21-22 of U.S. Patent No. 6,525,302, over claims 1-4 of U.S. Patent No. 6,873,733, over claims 1-29 of U.S. Patent No. 6,911,638, over claim 1 of U.S. Patent No. 6,940,649 and over claims 1-5 of U.S. Patent Application No. 10/355,761, now U.S. Patent No. 7,115,849. Terminal disclaimers are filed herewith to overcome each of these double patenting rejections.

Conclusion

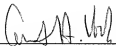
In view of the above Amendments and Remarks, Applicants have addressed all issues raised in the Office Action dated 29 January 2008, and respectfully solicit a Notice of Allowance. Should any issues remain, the Examiner is encouraged to telephone the undersigned.

Applicants believe no fees are currently due, however, if any fee is deemed necessary in connection with this Response, please charge Deposit Account No. 12-0600.

Respectfully submitted,

LATHROP & GAGE L.C.

Date: 29 Apr 08

By: 
Curtis A. Vock, Reg. No. 38,356
4845 Pearl East Circle, Suite 300
Boulder, Colorado 80301
Telephone: (720) 931-3011
Facsimile: (720) 931-3001